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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,328	12/08/2006	Ralf Schaefer	PF030154	5872

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EXAMINER	
AGA, SORI A	

ART UNIT	PAPER NUMBER
2476	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/574,328	SCHAEFER ET AL.	
	Examiner	Art Unit	
	SORI A. AGA	2476	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 December 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and accompanying remarks mailed 12/08/2010 have been entered and carefully considered. Claims 1, 2 and 6 are amended. Claim 7 was previously cancelled. No new claims are added. Claims 1-6 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrot (US 20060156362 A1) (herein after Perrot) in view of Ohno et al. (US 20030149985 A1) herein after (Ohno) and Vare et al. (US PGPUB 2006/0013153 A1) (herein after Vare).

Regarding claim 1, Perrot teaches a method of discovery, by a terminal connected to an Internet Protocol (IP) type network, of Digital Video Broadcast (DVB) services on the IP network **[see fig. 3 where a STB (terminal) is connected to an ISP (internet type protocol) and paragraph 001 where multimedia services of DVB compliant type are delivered in said networks to the terminal]**, wherein comprising the steps of:

- the terminal uses a first IP transmission address and a first port number to receive a transport stream transmitted to said first IP address on said first port **[see paragraph**

0019 lines 1-9 where a stream of packetized data is received and the data is inserted and delivered via IP multicast at a predetermined offer localization. (see paragraph 0068 where localization is shown to include IP address and port number)];

- the descriptors of networks contained in the said networks information designating second IP transmission addresses and second associated ports **[see paragraph 0046 lines 1-9 where the discovery information received includes a proprietary IP address and a port number for a service]**, the terminal connects to at least part of the transport streams transmitted to the said second IP transmission addresses on the said second associated ports so as to read the associated service description **[see paragraph 0073 where the receiver of the STB tunes to the multicast localizations including the IP address and port obtained]**;

-the terminal useing information comprised in the networks information and in the service description to construct a unitary list of the services offered on the network **[see paragraph 0075 where DVB service information contained in the transport streams is used to build an electronic program guide].**

However, Perrot does not explicitly teach the networks information is a Networks Information Table (NIT) and a Service Description Table (SDT). However, Ohno in the same field of endeavor teaches using NIT and SDT tables in DVB transmissions in IP environment **[see paragraphs 0046, 0051, 0111 and 0117]**. It would have been obvious for a person having ordinary skill in the art to use NIT and SDT tables for carrying the networks information and service description disclosed in Perrot. It is advantageous to

use NIT and SDT tables in an IP environment in order to provide a receiving apparatus which, even if an instruction to change a channel is received during downloading of television broadcast data, makes it possible to surely download the data which is being downloaded. (see Ohno paragraph 0008).

However, Perrot does not explicitly teach the terminal extracts from the said stream at least the networks information**;** DVB services are offered for reception of said DVB services by said terminal via said Internet protocol network and the list is of Digital Video Broadcast services offered on the Internet Protocol type network. However, Vare discloses a digital broadband transmission distributes parameters that are used to discover the service and/or the portion of the services among transmitted information; where transmission includes multicast transmission and the data includes IP-protocol encoded data (i.e. transmitted over Internet Protocol type network) **[see paragraphs 0026 and 0027]**. It would have been obvious for a person having ordinary skill in the art to transmit and extract from the transmitted stream networks information where DVB services are offered for reception of said DVB services by said terminal via said Internet protocol network and the list is of Digital Video Broadcast services offered on the Internet Protocol type network. This is desirable because it provides network information to the terminal devices while giving consideration to the power consumption needs of the device/s (see Vare paragraphs 0007 and 0008).

Regarding claim 4, the method according to Claim 1 where the streams contain only a single DVB service **[see paragraph 0021 where the service selection may be from one (single) OR more offers]**.

Regarding claim 5, Perrot teaches the method according to Claim 1 as discussed above. Perrot also teaches the list of services is included in the network information contained in the stream available at the first IP transmission address on the first port **[see paragraph 0021]**. However, Perrot does not explicitly teach the networks information is a Networks Information Table (NIT). However, Ohno in the same field of endeavor teaches using NIT and SDT tables in DVB transmissions in IP environment **[see paragraphs 0046, 0051, 0111 and 0117]**. It would have been obvious for a person having ordinary skill in the art to use NIT table for carrying the networks information and service description disclosed in Perrot. It is advantageous to use SDT table in an IP environment in order to provide a receiving apparatus which, even if an instruction to change a channel is received during downloading of television broadcast data, makes it possible to surely download the data which is being downloaded. (see Ohno paragraph 0008).

Regarding claim 6, Perrot teaches a device comprising: a means to connect to an Internet Protocol (IP) transmission address via means of connection to an IP network **[see fig. 3 where a STB (device possessing means) is connected to an ISP (internet type protocol) and paragraph 001 where multimedia services of DVB compliant type are**

delivered in said networks to the terminal; see also paragraph 0019 lines 1-9 where a stream of packetized data is received and the data is inserted and delivered via IP multicast at a predetermined offer localization. (see paragraph 0068 where localization is shown to include IP address)] and a decoder of Digital Video Broadcast (DVB) transport streams transmitted to this IP transmission address, wherein said decoder of DVB transport streams analyzes networks information **[see paragraph 0039 lines 1-4 where the STP extracts the discovery information (networks information). See also paragraph 0004 lines 1-4]**, containing network descriptors suitable for the IP network and to connect to each IP transmission address described in the said networks information so as to read therefrom a DVB transport stream and extract therefrom the information on the services offered on the network **[see paragraph 0073 where the receiver of the STB tunes to the multicast localizations including the IP address and port obtained]**. However, Perrot does not explicitly teach the networks information is a Networks Information Table (NIT). However, Ohno in the same field of endeavor teaches using NIT and SDT tables in DVB transmissions in IP environment **[see paragraphs 0046, 0051, 0111 and 0117]**. It would have been obvious for a person having ordinary skill in the art to use NIT table for carrying the networks information and service description disclosed in Perrot. It is advantageous to use SDT table in an IP environment in order to provide a receiving apparatus which, even if an instruction to change a channel is received during downloading of television broadcast data, makes it possible to surely download the data which is being downloaded. (See Ohno paragraph 0008).

However, Perrot does not explicitly teach the terminal extracts from the said stream at least the networks information**;** DVB services are offered for reception of said DVB services by said terminal via said Internet protocol network and the list is of Digital Video Broadcast services offered on the Internet Protocol type network. However, Vare discloses a digital broadband transmission distributes parameters that are used to discover the service and/or the portion of the services among transmitted information; where transmission includes multicast transmission and the data includes IP-protocol encoded data (i.e. transmitted over Internet Protocol type network) **[see paragraphs 0026 and 0027]**. It would have been obvious for a person having ordinary skill in the art to transmit and extract from the transmitted stream networks information where DVB services are offered for reception of said DVB services by said terminal via said Internet protocol network and the list is of Digital Video Broadcast services offered on the Internet Protocol type network. This is desirable because it provides network information to the terminal devices while giving consideration to the power consumption needs of the device/s (see Vare paragraphs 0007 and 0008).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perrot and Ohno as applied to claims 1 and 4-6 above, and further in view of Cao (US 2004/0187161) (herein after Cao).

Regarding claim 2, Perrot teaches the method according to Claim 1 as discussed above. However, Perrot does not explicitly teach the first IP transmission address and the first port number are entered by a user. However, Cao teaches a first IP transmission address

and a first port number are entered by the user [**see paragraph 0046 line 11] where the IP address and port number are configured by the distributor (user)**]. It would have been obvious for a person having ordinary skill in the art to enter the first IP address and Port number in the STB of Perrot since it is desired have the STB know where to obtain the offer information which is required to obtain the a transport stream (see Perrot paragraph 0056).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perrot and Ohno as applied to claims 1 and 4-7 above, and further in view of Van Willingen (US 7,386,879) (herein after Van Willingen).

Regarding claim 3, Perrot teaches the method according to Claim 1 as discussed above. However, Perrot does not explicitly teach the first IP address and the first port number are obtained from the network by the terminal. However, Van Willingen, in the same field of endeavor teaches [**see column 4 lines 44-47 where a terminal in a DVB system sends a DHCP request to obtain an IP message**]. It would have been obvious for a person having ordinary skill in the art to enable the terminal automatically acquire an IP address and port number in order to allow a new terminal to be added to the network with no need for manual configuration.

Response to Arguments

6. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SORI A. AGA whose telephone number is (571)270-1868. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. A./
Examiner, Art Unit 2476

/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2476